

October 26, 2004

AN ORDINANCE

BY: CITY UTILITIES COMMITTEE

04- 0-1972

AN ORDINANCE TO ABANDON THAT PORTION OF ARMOUR CIRCLE NE LOCATED FROM ARMOUR DRIVE TO PLASAMOUR DRIVE CONSISTING OF 1.997 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 58 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA AND TO ABANDON THAT PORTION OF PLASTERS BRIDGE ROAD NE FROM PLASAMOUR DRIVE TO NORTH END OF STREET, CONSISTING OF .290 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "B" LYING AND BEING IN LAND LOTS 49 AND 58 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta and the Metropolitan Atlanta Rapid Transit Authority (MARTA) entered into that certain Rearrangement Cooperative Agreement (RCA) dated October 10, 1975 which sets forth certain duties and procedures governing the City and MARTA with respect to Rearrangements, as that term is defined in the RCA, of facilities owned by the City or MARTA; and

WHEREAS, the RCA provides for supplemental Detailed Agreements between the City and MARTA to specifically allocate responsibilities, costs and obligations with respect to Rearrangements; and

WHEREAS, pursuant to the RCA and Resolution 02-R-0561, the City and MARTA have entered into a Detailed Agreement dated August 1, 2004 (2002 Detailed Agreement) that provides, *inter alia*, for a Rearrangement at Armour Circle and Plasters Bridge Road for MARTA to create its rail maintenance and storage facility known as Armour Yard; and

WHEREAS, the 2002 Detailed Agreement requires the City to abandon Armour Circle, as more particularly described in Exhibit "A" attached hereto and to abandon a portion of Plasters Bridge Road, as more particularly described in Exhibit "B" attached hereto in consideration for certain obligations of MARTA; and,

WHEREAS, surveys depicting the areas proposed for abandonment are attached hereto as Exhibit "C"; and

WHEREAS, MARTA owns all properties located on either side of the portions of Armour Circle and Plasters Bridge Road proposed for abandonment; and,

WHEREAS, MARTA has negotiated and reached agreements with all applicable City departments and utilities regarding any required, retained or relocated easements in the portions of Armour Circle and Plasters Bridge Road proposed for abandonment; and,

WHEREAS, in the Detailed Agreement, the City and MARTA agreed to conduct a property exchange involving the abandoned areas of Armour Circle and Plasters Bridge Road property and other parcels without any cash payments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of Armour Circle NE located from Armour Drive to Plasamour Drive consisting of 1.997 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 58 of the 17th District, Fulton County, Georgia and the portion of Plasters Bridge Road NE from Plasamour Drive to North End of Street, consisting of .290 acres, more or less, and being more specifically described in the attached exhibit "B" lying and being in Land Lots 49 and 58 of the 17th District, Fulton County, Georgia the same are hereby declared no longer useful or necessary for the public's use and convenience.

<u>SECTION 2.</u> That the requirements of an application fee, an offer of fair marker value payment for the abandoned streets and the notice requirements in Section 138-9 of the City Code of Ordinances are hereby waived for the abandonments set forth in this ordinance due to MARTA's ownership of all property surrounding the abandoned streets and MARTA's obligation to convey MARTA property to the City in exchange for the City's conveyance of the abandoned streets.

<u>SECTION 3.</u> That these abandonments shall not alter nor affect any reservations or agreements for existing public or private utility easements in the abandoned areas.

SECTION 4. That the Mayor be and is hereby authorized to execute a quitclaim deed to Armour Circle and Plasters Bridge Road pursuant to the terms set forth in the 2002 Detailed Agreement and the quitclaim deed shall be exchanged with MARTA for certain MARTA property as provided for in the 2002 Detailed Agreement. MARTA shall not be required to make any cash payment for the abandoned streets.

<u>SECTION 5.</u> That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,

A true copy,

APPROVED by the Mayor

Municipal Clerk, CMC

DEC 06, 2004 DEC 10, 2004

#### EXHIBIT A

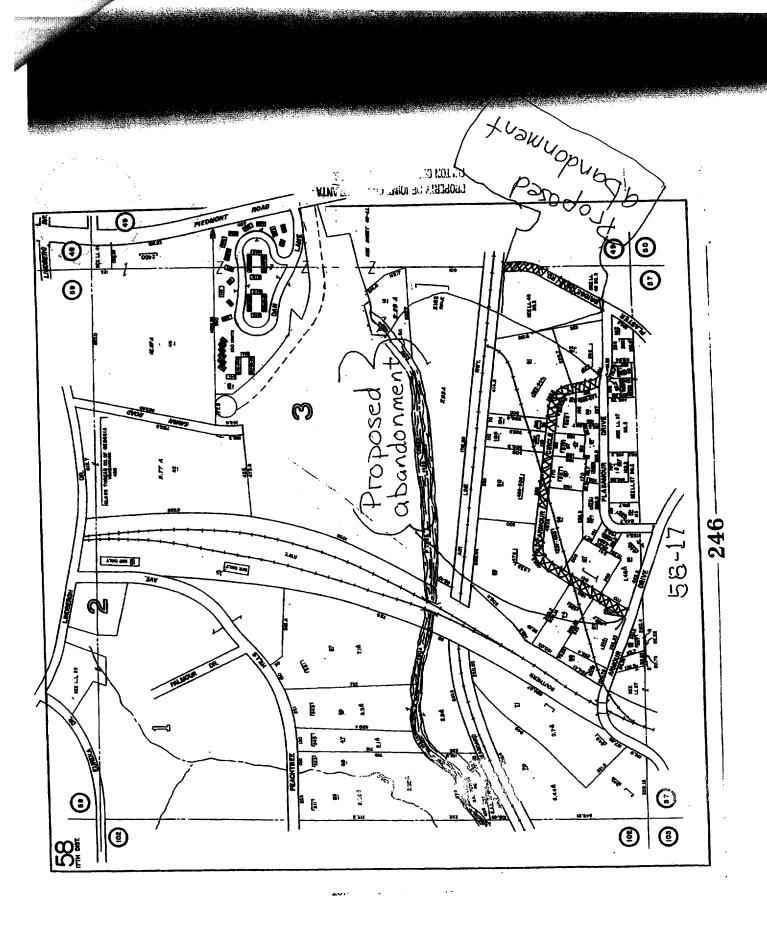
#### Armour Circle Property

Beginning at the northwesterly intersection of Armour Drive and Armour Circle; thence along the northwesterly right-of-way of Armour Circle the following courses: north 33° 38' 43" east, 520.82; thence 170.47 feet along the arc of a curve to the right, said curve having a radius of 150.54 feet and a chord of 161.50 feet on a bearing of north 66° 05′ 09" east; thence south 81° 28' 26" east, 757.36 feet; thence 173.35 feet along the arc of a curve to the right, said curve having a radius of 143.44 feet and a chord of 162.99 feet on a bearing of south 46° 51' 09" east; thence south 10° 52' 52" east, 166.39 feet; thence 22.28 feet along the arc of a curve to the left, said curve having a radius of 96.53 feet and a chord of 22.23 feet on a bearing of south 35° 31′ 39" east to the intersection of the northerly right-of-way line of Armour Circle and the northerly right-of-way line of Plasamour Drive, if extended; thence south 88° 30' 54" west, 60.72 feet along said extended right-of-way line of Plasamour Drive to the northwesterly intersection of Plasamour Drive and Armour Circle; thence along the westerly, southerly and easterly right-of-way lines of Armour Circle the following courses: north 10° 52′ 52″ west, 173.59 feet; thence 115.14 feet along the arc of a curve to the left, said curve having a radius of 93.45 feet and a chord of 107.99 feet on a bearing of north 46° 10' 39" west; thence north 81° 28' 26" west, 757.36 feet; thence 113.85 feet along the arc of a curve to the left, said curve having a radius of 100.54 feet and a chord of 107.87 feet on a bearing of south 66° 05' 09" east; thence south 33° 38' 43" west, 507.85 feet to the northeasterly intersection of Armour Drive and Armour Circle; thence north 70° 53' 34" west, 51.65 feet to the POINT OF BEGINNING. Said tract or parcel contains 87,015 square feet, more or less, all being right-of-way of Armour Circle between Armour Drive and Plasamour Drive located in Land Lot 58, 17th District, Fulton County, Georgia, and shown on MARTA Drawings SE 294, SE 295 and SE 296, dated February 23, 2001.

#### EXHIBIT B

#### Plasters Bridge Road Property

Beginning at the intersection of the northerly right of way line of Armour Circle and the westerly right of way line of Plasters Bridge Road; thence along the westerly right of way line of Plasters Bridge Road north 28° 57' 42" east, 189.98 feet to a point; thence continuing along said westerly right of way line north 29° 02' 09" east, 152.72 feet to a point; thence continuing along said westerly right of way line north 30° 56' 29" east, 49.76 feet to a point; thence continuing along said westerly right of way line north 00° 19' 04" west, 102.34 feet to the centerline of a railroad spur; thence along said centerline along the arc of a curve to the left 32.44 feet to the easterly right of way line of Plasters Bridge Road, said curve having a radius of 498.99 feet and a chord length of 32.43 on a bearing of south 68° 35' 07" east; thence along said easterly right of way line south 00° 24' 53" west, 85.47 feet to a point; thence south 28° 59' 38" west, 426.28 feet to a point; thence north 25° 12' 12" east, 2.64 feet; thence along the arc of a curve to the left 32.28 feet, said curve having a radius of 17.00 feet and a chord length of 27.64 feet on a bearing of north 33° 37′ 09" west, to the POINT OF BEGINNING. Said tract or parcel contains 12,659 square feet, more or less; all being right-of-way of Plasters Bridge Road north of Armour Circle located in Land Lots 49 and 58, 17th District, Fulton County, Georgia, and shown on MARTA Drawing SE 295, dated February 23, 2001.



#### Atlanta City Council

#### Regular Session

CONSENT I PG(S) 5-25 EXCEPT 04-0-2102 04-R-2231 04-R-2224 04-R-2203 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
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			12-06-04 Council
TOTAL CO	TIPLE	TOTAL FO	Meeting
ITEMS	ITEMS	ITEMS	ITEMS
ADOPTED ON	ADOPTED ON	ADOPTED ON	ADOPTED ON
CONSENT	CONSENT	CONSENT	CONSENT
1. 04-O-2043	42. 04-R-2128	83. 04-R-2186	104. 04-O-1989
2. 04-O-2044	43. 04-R-2129	84. 04-R-2187	105. 04-O-1990
3. 04-O-2045	44. 04-R-2130	85. 04-R-2188	106. 04-O-1991
4. 04-O-2046	45. 04-R-2131	86. 04-R-2189	107. 04-O-1992
5. 04-O-2098	46. 04-R-2132	87. 04-R-2199	108. 04-O-1993
6. 04-O-2099	47. 04-R-2209	88. 04-R-2200	109. 04-O-1994
7. 04-O-2100	48. 04-R-2210	<b>89.</b> 04-R-2201	110. 04-O-1995
8. 04-O-2110	49. 04-R-2211	Items	111. 04-O-1996
9. 04-O-2115	50. 04-R-2212	Adversed on	112. 04-O-1997
10. 04-O-1434	51. 04-R-2214	Consent	113. 04-O-2054
11. 04-O-1927	52. 04-R-2215	90. 04-R-2178	114. 04-O-2055
12. 04-O-1120	53. 04-R-2084	91. 04-R-2179	115. 04-O-2057
13. 04-O-1972	54. 04-R-2150	92. 04-R-2180	116. 04-O-2059
14. 04-O-2047	55. 04-R-2151	93. 04-R-2181	117. 04-O-2116
15. 04-O-0649	56. 04-R-2152	94. 04-R-2182	118. 03-R-1387
16. 04-O-1753 17. 04-O-1802	57. 04-R-2155	95. 04-R-2183	119. 04-R-2120
17. 04-O-1802 18. 04-O-1823	58. 04-R-2133	96. 04-R-2184	120. 04-R-2136
18. 04-O-1823 19. 04-O-2050	59. 04-R-2134 60. 04-R-2202	97. 04-R-2190 98. 04-R-2191	121. 04-R-2137 122. 04-R-2140
20. 04-O-2051	61. 04-R-2205	98. 04-R-2191 99. 04-R-2192	122. 04-R-2140 123. 04-R-2141
21. 04-O-2052	62. 04-R-2206	100. 04-R-2193	123. 04-R-2141 124. 04-R-2142
22. 04-O-2052 22. 04-O-2053	63. 04-R-2158	101. 04-R-2194	124. 04-R-2142 125. 04-R-2143
23. 04-O-2061	64. 04-R-2159	101. 04-R-2194 102. 04-R-2195	126. 04-R-2144
24. 04-O-2086	65. 04-R-2160	103. 04-R-2196	120. 04-R-2144 127. 04-R-2216
25. 04-O-2087	66. 04-R-2161	103. 04-R-2170	128. 04-R-2210
26. 04-O-2021	67. 04-R-2162		129. 04-R-2221
27. 04-O-2049	68. 04-R-2163		
28. 04-R-2145	69. 04-R-2164		
29. 04-R-2146	70. 04-R-2165		
30. 04-R-2147	71. 04-R-2166		
31. 04-R-2148	72. 04-R-2167		
32. 04-R-2149	73. 04-R-2168	,	
33. 04-R-2204	74. 04-R-2169		
34. 04-R-1970	75. 04-R-2170		
35. 04-R-2121	76. 04-R-2171		
36. 04-R-2122	77. 04-R-2172		
37. 04-R-2123	78. 04-R-2173		
38. 04-R-2124	79. 04-R-2174		
39. 04-R-2125	80. 04-R-2175		
40. 04-R-2126	81. 04-R-2176		
41. 04-R-2127	82. 04-R-2177		

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# DETAILED AGREEMENT BETWEEN METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY AND THE CITY OF ATLANTA, GEORGIA FOR CONSTRUCTION CONTRACT UNIT N452, LINDBERGH ROADWAY IMPROVEMENT PROJECT, AND THE ROXBORO ROAD PROJECT

THIS AGREEMENT is made and entered into this day of day of 2002, by and between the METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, a public body corporate created under the laws of the State of Georgia, hereinafter referred to as the Authority or MARTA, and the CITY OF ATLANTA, a political subdivision of the State of Georgia, hereinafter referred to as the City.

#### WITNESSETH THAT:

For and in consideration of the promises and of the mutual undertakings hereinafter set forth, the Authority and the City covenant and agree, with respect to the Authority's Construction Contract Unit N452 ("CCU N452"), MARTA Rail Services – Storage Yard, the Lindbergh Roadway Improvement Project, and the City's Roxboro Road Project, as follows:

- 1. This Detailed Agreement is entered into pursuant to and in implementation of the Rearrangement Cooperative Agreement heretofore entered into by the parties on the 10th day of October, 1975, which by this reference is incorporated herein, and which is hereinafter referred to as the RCA. This Detailed Agreement applies to the construction of portions of the Authority's System known as CCU N452 and the Lindbergh Roadway Improvement Project, and the conveyance by the Authority of property for the City's project known as the Roxboro Road Project ("RRP"). The CCU N452 Work (as defined below) and the LRIP both require Rearrangements. All capitalized terms used in this Detailed Agreement that are not defined herein shall have the meaning set forth in Article I of the RCA.
- 2. A. MARTA shall accomplish or cause to be accomplished the work described in the plans and specifications listed and identified in Exhibit A (the "CCU N452 Work"), of which copies are on file at the Authority's Headquarters Building, 2424 Piedmont Road N.E., Fourth Floor, Atlanta, Georgia, and which by this reference are made a part hereof, and MARTA shall cause the CCU N452 Work to be performed in accordance with such plans and specifications.
- B. MARTA shall accomplish or cause to be accomplished the work described in the plans and specifications listed and identified in Exhibit B, of which copies are on file at the Authority's Headquarters Building, 2424 Piedmont Road N.E., Fourth Floor, Atlanta, Georgia, and which by this reference are made a part hereof (the "LRIP"),

and MARTA shall cause the LRIP to be performed in accordance with such plans and specifications.

- 3. A. The parties agree that the limits of the Impact Area, as defined in the RCA, for the CCU N452 Work are as shown on the drawings listed and identified in Exhibit A, including the City Facilities to be modified, arranged, rearranged, or relocated, all as shown in Exhibit A and delineated on the drawings identified therein.
- B. The parties agree that the limits of the Impact Area for the LRIP are as shown on the drawings listed and identified in Exhibit B, including the City Facilities to be modified, arranged, rearranged, or relocated, all as shown in Exhibit B and delineated on the drawings identified therein.
- 4. There are no Betterments resulting from the Work in CCU N452, LRIP, and RRP.
- To enable the Authority to immediately proceed with the CCU N452 Work, City agrees to: (i) permanently and immediately close or allow to be closed all or a portion of Armour Circle as more particularly described in Exhibit C-1 attached hereto and by this reference made a part hereof (the "Armour Circle Property") and all or a portion of Plasters Bridge Road as more particularly described in Exhibit C-2 attached hereto (the "Plasters Bridge Road Property") and by this reference made a part hereof; and (ii) hereby grant by this Detailed Agreement a Right-of-Entry for the Authority to begin the CCU N452 Work in accordance with the plans and specifications identified in Exhibit A. No later than June 30, 2002, City agrees to abandon all of the City's right, title and interest in the Armour Circle Property and the Plasters Bridge Road Property. No later than 30 days after the substantial completion by MARTA of the CCU N452 Work and the LRIP, the City shall quitclaim to the Authority all of the City's right, title and interest in the Armour Circle Property and the Plasters Bridge Road Property without additional consideration beyond that which is provided in this Detailed Agreement. The abandonment by the City of the streets located in the Armour Circle Property and the Plasters Bridge Road Property will only be effected upon passage and approval by the Council and Mayor of an ordinance authorizing abandonment of the streets in conformance with the Charter, related laws, and the Code of the City; provided, however, that the advertisement fee for the abandonment of the Armour Circle Property and the Plasters Bridge Road Property shall be waived.
- 6. To enable the Authority to immediately proceed with the LRIP and to realign Lindbergh Drive, City agrees to: (i) immediately close or allow to be closed portions of Lindbergh Drive as shown in Exhibit B attached hereto and by this reference made a part hereof; and (ii) hereby grant by this Detailed Agreement a Right-of-Entry for the Authority to begin the LRIP. Upon substantial completion of the LRIP, the City agrees to quitclaim to the Authority all right, title and interest of the City in portions of Lindbergh Drive described in Exhibit D attached hereto and by this reference made a part hereof ("City Lindbergh Drive Property") without additional consideration beyond that which is provided in this Detailed Agreement. The closing of such portions of Lindbergh Drive is conditioned upon and subject to the Authority abiding by the scheduling sequence as shown in Exhibit

B and providing adequate detours and rerouting of traffic at all times that the City Lindbergh Drive Property is closed.

- 7. Concurrently with the conveyance by the City to the Authority of the City Lindbergh Drive Property, the Armour Circle Property and the Plasters Bridge Road Property, all in accordance with this Detailed Agreement, the Authority shall convey by quitclaim deed to the City: (A) MARTA Parcel D3129, which is more particularly described in Exhibit E attached hereto and by this reference made a part hereof ("MARTA Parcel D3129"); (B) easements and property rights for property identified as MARTA Parcel No. 44 with the exclusion of exclusive, perpetual, permanent easements necessary or incidental to the Authority's maintenance, operation, repair and replacement of a rapid transit system as described in Exhibit F ("MARTA Parcel No. 45"); and (C) easements and property rights for property identified as MARTA Parcel No. 45 with the exclusion of exclusive, perpetual, permanent easements necessary or incidental to the Authority's maintenance, operation, repair and replacement of a rapid transit system as described in Exhibit G ("MARTA Parcel No. 45").
- 8. A. The design of sewer and drainage facilities in the CCU N452 Work has been incorporated in the plans and specifications which are listed and identified in Exhibit A. Exhibit H, attached hereto and by this reference made a part hereof, generally lists the sewer and drainage facilities by description, location, and responsibility for facility maintenance.
- B. The design of sewer and drainage facilities for LRIP has been incorporated in the plans and specifications which are listed and identified in Exhibit B. Exhibit I, attached hereto and by this reference made a part hereof, generally lists the sewer and drainage facilities by description, location, and responsibility for facility maintenance.
- 9. For normal maintenance of City Facilities located on the Authority's right-of-way, the City, by its authorized representatives, shall notify the Authority in writing, delivered five (5) days in advance of the date of desired access to or upon the Authority's right-of-way, and the Authority shall arrange to have a representative available at the specified work location at a mutually agreeable time during Authority normal off-peak working hours to admit City forces to MARTA right-of-way to the extent of maintenance needs required, to provide such assistance and guidance as needed and to insure the observance of all safety precautions. Should access to or upon the Authority's right-of-way by City forces be required for emergency maintenance of City Facilities, the City, by its authorized representatives, shall notify an authorized representative of the Authority verbally or by telephone of such requirement and the Authority, within one hour of such notice, shall have a representative available at the specified work location to admit City forces to the MARTA right-of-way to the extent of maintenance needs, to provide such assistance and guidance as needed and to insure the observance of all safety precautions.

IN WITNESS WHEREOF, the undersigned parties have caused these presents to be signed on their behalf; and their common seals to be affixed hereto, by persons duly authorized thereunto, on the day and year first above written:

METROPOLITAN ATLANTA RAPID Attest: TRANSIT AUTHORITY General Manager/CEQ Approved As To Legal Form: Counsel, Metropolitan Atlanta Rapid Transit Authority CITY OF ATLANTA, GEORGIA Attest: City Clerk or Deputy City Clerk Shirley Franklin, Mayor Approved As To Form: [CITY SEAL] By\_ City Attorney Approved:

Commissioner, Department of

**Public Works** 

#### **EXHIBIT A**

#### CCU N452 Work

Plans and Specifications for MARTA North Line Rail Services Facility Storage Yard, Project No. CN452, dated July 2000

#### **EXHIBIT B**

#### <u>LRIP</u>

Lindbergh Roadway Improvements plans by URS Corporation on 8/9/01, last revised 1/9/02.

Sequencing of Street Rearrangement shown by Staging Plans C-4.1, 4.2 and 4.3 of the above-referenced Plans.

#### **EXHIBIT C-1**

#### **Armour Circle Property**

Beginning at the northwesterly intersection of Armour Drive and Armour Circle; thence along the northwesterly right-of-way of Armour Circle the following courses: north 33° 38' 43" east, 520.82; thence 170.47 feet along the arc of a curve to the right, said curve having a radius of 150.54 feet and a chord of 161.50 feet on a bearing of north 66° 05′ 09" east; thence south 81° 28' 26" east, 757.36 feet; thence 173.35 feet along the arc of a curve to the right, said curve having a radius of 143.44 feet and a chord of 162.99 feet on a bearing of south 46° 51′ 09" east; thence south 10° 52′ 52" east, 166.39 feet; thence 22.28 feet along the arc of a curve to the left, said curve having a radius of 96.53 feet and a chord of 22.23 feet on a bearing of south 35° 31' 39" east to the intersection of the northerly right-of-way line of Armour Circle and the northerly right-of-way line of Plasamour Drive, if extended; thence south 88° 30′ 54" west, 60.72 feet along said extended right-of-way line of Plasamour Drive to the northwesterly intersection of Plasamour Drive and Armour Circle; thence along the westerly, southerly and easterly right-of-way lines of Armour Circle the following courses: north 10° 52′ 52″ west, 173.59 feet; thence 115.14 feet along the arc of a curve to the left, said curve having a radius of 93.45 feet and a chord of 107.99 feet on a bearing of north 46° 10' 39" west; thence north 81° 28' 26" west, 757.36 feet; thence 113.85 feet along the arc of a curve to the left, said curve having a radius of 100.54 feet and a chord of 107.87 feet on a bearing of south 66° 05' 09" east; thence south 33° 38' 43" west, 507.85 feet to the northeasterly intersection of Armour Drive and Armour Circle; thence north 70° 53' 34" west, 51.65 feet to the POINT OF BEGINNING. Said tract or parcel contains 87,015 square feet, more or less, all being right-of-way of Armour Circle between Armour Drive and Plasamour Drive located in Land Lot 58, 17th District, Fulton County, Georgia, and shown on MARTA Drawings SE 294, SE 295 and SE 296, dated February 23, 2001.

#### **EXHIBIT C-2**

#### Plasters Bridge Road Property

Beginning at the intersection of the northerly right of way line of Armour Circle and the westerly right of way line of Plasters Bridge Road; thence along the westerly right of way line of Plasters Bridge Road north 28° 57' 42" east, 189.98 feet to a point; thence continuing along said westerly right of way line north 29° 02' 09" east, 152.72 feet to a point; thence continuing along said westerly right of way line north 30° 56' 29" east, 49.76 feet to a point; thence continuing along said westerly right of way line north 00° 19' 04" west, 102.34 feet to the centerline of a railroad spur; thence along said centerline along the arc of a curve to the left 32.44 feet to the easterly right of way line of Plasters Bridge Road, said curve having a radius of 498.99 feet and a chord length of 32.43 on a bearing of south 68° 35' 07" east; thence along said easterly right of way line south 00° 24' 53" west, 85.47 feet to a point; thence south 28° 59' 38" west, 426.28 feet to a point; thence north 25° 12′ 12" east, 2.64 feet; thence along the arc of a curve to the left 32.28 feet, said curve having a radius of 17.00 feet and a chord length of 27.64 feet on a bearing of north 33° 37' 09" west, to the POINT OF BEGINNING. Said tract or parcel contains 12,659 square feet, more or less; all being right-of-way of Plasters Bridge Road north of Armour Circle located in Land Lots 49 and 58, 17<sup>th</sup> District, Fulton County, Georgia, and shown on MARTA Drawing SE 295, dated February 23, 2001.

#### **EXHIBIT D**

#### City Lindbergh Drive Property

#### (MARTA Acquisition Parcel N643, Tract 1)

All that tract or parcel of land containing 25,563 square feet lying and being in Land Lot 59 of the 17<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at an iron pin at the intersection of the northerly right-of-way line of Lindbergh Drive and the easterly right-of-way line of Norfolk-Southern Railway, thence easterly along said northerly line of Lindbergh Drive the following courses: South 89 degrees 11 minutes 38 seconds East, 129.52 feet; 271.12 feet along the arc of a curve to the left, said curve having a radius of 2068.44 feet and a chord of 270.92 feet on a bearing of North 87 degrees 02 minutes 25 seconds East; North 81 degrees 14 minutes 19 seconds East, 281.10 feet; 4.66 feet along the arc of a curve to the left, said curve having a radius of 29.56 feet and a chord of 4.65 feet on a bearing of North 33 degrees 27 minutes 13 seconds East; North 03 degrees 24 minutes 12 seconds East, 7.19 feet; North 81 degrees 10 minutes 25 seconds East, 132.24 feet to the POINT OF BEGINNING; thence continuing along the existing northerly right-of-way line of Lindbergh Drive North 81 degrees 10 minutes 25 seconds East a distance of 88.33 feet to a point; thence continuing along said right-of-way North 81 degrees 07 minutes 29 seconds East a distance of 184.38; thence leaving said right-of-way South 46 18 39 West. 60.00 feet; thence South 18 degrees 22 minutes 08 seconds East a distance of 55.00 feet to a point; thence South 16 degrees 04 minutes 40 seconds West a distance of 37.59 feet to a point; thence South 60 degrees 45 minutes 58 seconds West a distance of 51.76 feet to a point; thence South 14 degrees 47 minutes 35 seconds West a distance of 15.00 feet to a point; thence 84.86 feet along the arc of curve to the right, said curve having a radius of 294.50 feet and a chord bearing and distance of North 66 degrees 57 minutes 06 seconds West; thence North 58 degrees 23 minutes 29 seconds West a distance of 93.20 feet to a point; thence North 69 degrees 23 minutes 08 seconds West a distance of 35.94 feet to a point; thence North 11 degrees 41 minutes 42 seconds East a distance of 33.66 feet to the POINT OF BEGINNING, shown on that certain Right of Way Plan for Metropolitan Atlanta Rapid Transit Authority, MARTA Drawing SE306, Lindbergh Roadway Improvements, prepared by URS Corporation, Donald C. Harris, P.E. No. 16969, dated 08-09-01, last revised 08-20-01, and based on a Boundary Survey for MARTA prepared by Greenhorn & O'Mara, Inc., Wright C. Powers, Ga. RLS #2612, dated 9-25-97.

#### TOGETHER WITH (MARTA Acquisition Parcel N643, Tract 2)

All that tract or parcel of land containing 4,611 square feet, lying and being in Land Lots 48 and 59 of the 17<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at an iron pin at the intersection of the northerly right-of-way line of Lindbergh Drive and the easterly right-of-way line of Norfolk-Southern Railway, thence easterly along said northerly line of Lindbergh Drive the following courses: South 89 degrees 11 minutes 38 seconds East, 129.52 feet; 271.12 feet along the arc of a curve to the left, said curve having a radius of 2068.44 feet and a chord of 270.92 feet on a bearing of North 87 degrees 02 minutes 25 seconds East; North 81 degrees 14 minutes 19 seconds East, 281.10 feet; 4.66 feet along the arc of a curve to the left, said curve having a radius of 29.56 feet and a chord of 4.65 feet on a bearing of North 33 degrees 27 minutes 13 seconds East; North 03 degrees 24 minutes 12 seconds East, 7.19 feet; North 81 degrees 10 minutes 25 seconds East, 221.17 feet; North 81 07 29 East, 211.40 feet; North 74 degrees 46 minutes 26 seconds East, 33.59 feet to the POINT OF BEGINNING; thence continuing along said existing right-of-way North 74 degrees 46 minutes 26 seconds East, 74.06 feet to a point; thence continuing along said existing right-of-way North 80 degrees 36 minutes 28 seconds East, 127.02 feet to a point; thence continuing along said existing right-of-way South 86 degrees 37 minutes 59 seconds East, 31.86 feet to a point; thence continuing along said existing right-of-way South 80 degrees 43 minutes 55 seconds, 19.87 feet to a point; thence leaving said rightof-way and running along the proposed right-of-way of said Lindbergh Drive South 07 degrees 43 minutes 42 seconds East, 9.48 feet to a point; thence continuing along said proposed right-of-way to a point South 81 degrees 53 minutes 59 seconds West, 186.19 feet to a point; thence along said proposed right-of-way 57.10 feet along the arc of a curve to the left, said curve having a radius of 178.04 feet and a chord of 56.85 feet on a bearing of South 72 degrees 41 minutes 31 seconds West; thence continuing along said proposed right-of-way North 31 degrees 54 minutes 37 seconds West; 20.55 feet to the POINT OF BEGINNING, shown on that certain Right of Way Plan for Metropolitan Atlanta Rapid Transit Authority, Lindbergh Roadway Improvements, prepared by URS Corporation, Donald C. Harris, P.E. No. 16969, dated 08-09-01, last revised 08-20-01, MARTA Drawing SE306, and based on a Boundary Survey for MARTA prepared by Greenhorn & O'Mara, Inc., Wright C. Powers, Ga. RLS #2612, dated 9-25-97.



#### **EXHIBIT E**

#### MARTA PARCEL D3129

All that tract or parcel of land containing 304 square feet lying and being in Land Lot 59 of the 17<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at an iron pin at the intersection of the northerly right-of-way line of Lindbergh Drive and the easterly right-of-way line of Norfolk-Southern Railway, thence easterly along said northerly line of Lindbergh Drive 288.36 feet to the POINT OF BEGINNING; thence leaving said right-of-way and running along the proposed right-of-way of Lindbergh Drive North 16 degrees 29 minutes 25 seconds East a distance of 2.38 feet to a point; thence continuing along said proposed right-of-way 62.73 feet along the arc of a curve to the left, said curve having a radius of 2484.77 feet, and a chord bearing and distance of North 85 degrees 34 minutes 01 seconds East, 62.73 feet; thence continuing along the said proposed right-of-way North 83 degrees 24 minutes 26 seconds East a distance of 118.08 feet to a point on the existing northerly right-of-way of Lindbergh Drive; thence along said existing right-of-way of Lindbergh Drive South 81 degrees 14 minutes 19 seconds West a distance of 69.07 feet; thence along said existing right-of-way 112.28 feet along the arc of a curve to the right, said curve having a radius of 2068.72 feet, and a chord bearing and distance of South 84 degrees 50 minutes 10 seconds West, 112.26 feet, to the POINT OF BEGINNING, shown on that certain Right of Way Plan for Metropolitan Atlanta Rapid Transit Authority, Lindbergh Roadway Improvements, prepared by URS Corporation, Donald C. Harris, P.E. No. 16969, dated 8-09-01, last revised 8-20-01, MARTA Drawing SE 305, and based on a Boundary Survey for MARTA prepared by Greenhorn & O'Mara, Inc., Wright C. Powers. Ga. RLS #2612, dated 9-25-97.

#### **EXHIBIT F**

#### MARTA PARCEL 44

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point 25.76 feet left of and opposite Station 38+21.06 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2), which point is the intersection of the existing northerly right-of-way line of Roxboro Road and the westerly right-of-way line of MARTA; thence along said westerly right-of-way line of MARTA N 40° 52′ 40″ E, 24.29 feet to a point on the proposed northerly right-of-way line of Roxboro Road; thence along said proposed northerly right-of-way S 83° 05′ 33″ E, 22.71 feet; thence continuing S 74° 39′ 32″ E, 61.00 feet; thence continuing N 81° 31′ 40″ E, 4.78 feet to a point on the easterly right-of-way line of MARTA; thence 26.08 feet along the arc of a curve to the right, said curve having a radius of 1914.00 feet and a chord of 26.07 feet on a bearing of S 40° 31′ 06″ W to a point on the existing northerly right-of-way line of Roxboro Road; thence N 76° 06′ 41″ W, 87.62 feet the POINT OF BEGINNING.

Reserving unto Grantor the following exclusive, perpetual, permanent easements for any and all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's maintenance, operation, repair and replacement of a rapid transit system:

#### Reserved Permanent Footing Easement

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows, as shown in blue on the attached plat:

BEGINNING at a point 30.38 feet left of and opposite Station 38+50.82 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2); thence north 15° 20′ 28″ east, 16.00 feet; thence south 74° 39′ 32″ east, 56.00 feet; thence south 15° 20′ 28″ west, 16.00 feet; thence north 74° 39′ 32″ west, 56.00 feet to the POINT OF BEGINNING, containing 896 square feet, less and except those portions of the above described tract or parcel of land located above elevation 907.0 feet above USC&GS 1929 Adjusted Mean Sea Level.

#### Together with:

#### Reserved Permanent Column Easement

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows, as shown in red on the attached plat:

BEGINNING at a point 35.38 feet left of and opposite Station 38+49.82 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2); thence north 15° 20′ 28″ east, 6.00 feet; thence south 74° 39′ 32″ east, 58.00 feet; thence south 15° 20′ 28″ west, 6.00 feet; thence north 74° 39′ 32″ west, 58.00 feet to the POINT OF BEGINNING, containing 348 square feet, less and except those portions of the above described tract or parcel of land located below elevation 907.0 feet, and above elevation 929.1 feet, above USC&GS 1929 Adjusted Mean Sea Level.

#### Together with:

#### Reserved Permanent Aerial Easement

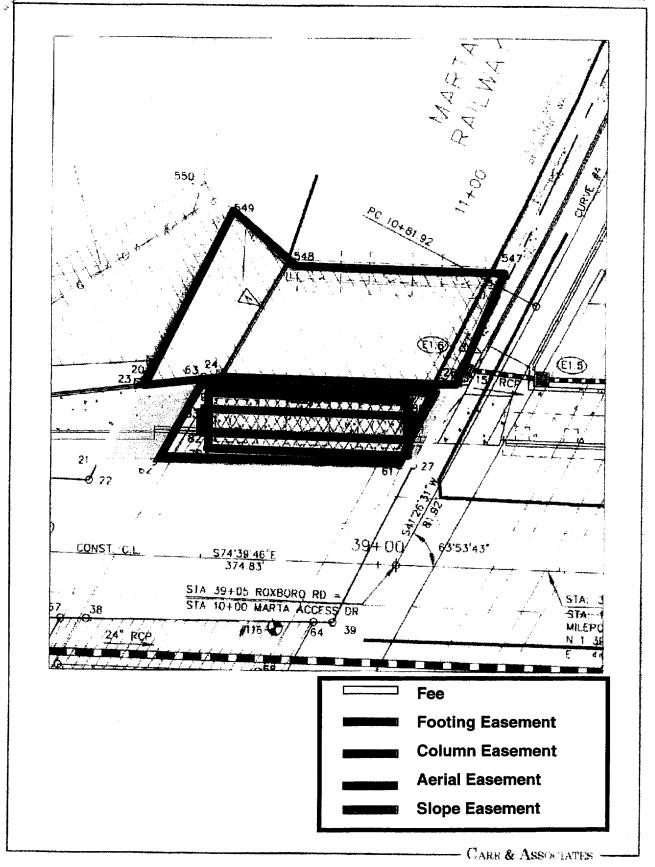
All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows, as shown in orange on the attached plat:

BEGINNING at a point on the existing southerly right-of-way line of Roxboro Road, said point being 26.17 feet left of and opposite Station 38+36.06 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2); thence north 41° 26′ 31″ east, 27.48 feet to a point on the proposed northerly right-of-way line of Roxboro Road; thence along said proposed right-of-way line south 83° 05′ 33″ east, 4.46 feet; thence along said proposed right-of-way line south 74° 39′ 32″ east, 62.68 feet; thence south 41° 26′ 31″ west, 25.90 feet to a point on the existing northerly right-of-way line of Roxboro Road; thence north 76° 06′ 41″ west, 87.62 feet to the POINT OF BEGINNING, containing 1,615 square feet, less and except those portions of the above described tract or parcel of land located below elevation 929.1 feet above USC&GS 1929 Adjusted Mean Sea Level, as shown in orange on the attached plat.

MARTA hereby grants to the City of Atlanta an easement for the construction of slopes as shown colored in green on the attached plat. This easement will remain in place until the completion and acceptance of the Roxboro Road widening project.



#### [ATTACH PLAT SHOWING SLOPE EASEMENT]



#### **EXHIBIT G**

#### MARTA PARCEL 45

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point 16.47 feet right of and opposite Station 38+87.80 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2), which point is the intersection of the easterly right-of-way line of MARTA and the existing southerly right-of-way line of Roxboro Road; thence along said easterly right-of-way line of MARTA 39.09 feet along the arc of a curve to the right, said curve having a radius of 1915.00 feet and a chord of 39.09 feet on a bearing of S 42° 57′ 45″ W; thence leaving said right-of-way N 74° 39′ 46″ W, 87.63 feet; thence N 61° 06′ 03″ W, 38.39 feet; thence N 74° 39′ 56″ W, 61.21 feet; thence S 63° 59′ 13″ W, 103.28 feet to a point on the existing right-of-way line of East Paces Ferry Road; thence along said existing right-of-way line 15.98 feet along the arc of a curve to the left, said curve having a radius of 435.00 feet and a chord of 15.98 feet on a bearing of N 20° 13′ 07″ E; thence continuing 107.43 feet along the arc of a curve to the right, said curve having a radius of 71.00 feet and a chord of 97.47 feet on a bearing of N 62° 30′ 35″ E; thence continuing S 74° 04′ 38″ E, 28.17 feet; thence N 15° 32′ 46″ E, 7.00 feet; thence S 76° 29′ 19″ E, 112.00 feet; thence continuing S 75° 44′ 57″ E, 68.78 feet to the POINT OF BEGINNING.

Reserving unto Grantor the following exclusive, perpetual, permanent easements for any and all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's maintenance, operation, repair and replacement of a rapid transit system:

#### Reserved Permanent Footing Easement

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows, as shown in blue on the attached plat:

BEGINNING at a point 30.72 feet right of and opposite Station 38+67.35 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2); thence south 15° 20′ 14″ west, 16.00 feet; thence north 74° 39′ 46″ west, 55.95 feet; thence north 15° 20′ 14″ east, 16.00 feet; thence south 74° 39′ 46″ east, 55.95 feet to the POINT OF BEGINNING, containing 896 square feet, less and except those portions of the above described tract or parcel of land located above elevation 909.5, USC&GS 1929 Adjusted Mean Sea Level.

#### Together with:

#### Reserved Permanent Column Easement

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows, as shown in red on the attached plat:

BEGINNING at a point 35.72 feet right of and opposite Station 38+68.40 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2); thence south 15° 20′ 14″ west, 6.00 feet; thence north 74° 39′ 46″ west, 58.00 feet; thence north 15° 20′ 14″ east, 6.00 feet; thence south 74° 39′ 46″ east, 58.00 feet to the POINT OF BEGINNING, containing 348 square feet, less and except those portions of the above described tract or parcel of land located below elevation 909.5, and above elevation 928.8, USC&GS 1929 Adjusted Mean Sea Level.

#### Together with:

#### Reserved Permanent Aerial Easement

All that tract or parcel of land lying and being in Land Lot 9 of the 17<sup>th</sup> District of Fulton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the existing southerly right-of-way line of Roxboro Road, said point being 16.53 feet right of and opposite Station 38+82.49 on the construction centerline of Roxboro Road on Georgia Highway Project No. STP-9219(2); thence south 42° 57′ 50″ west, 38.47 feet to a point on the proposed southerly right-of-way line of Roxboro Road; thence along said proposed right-of-way line north 74° 39′ 46″ west, 71.83 feet; thence north 42° 57′ 50″ east, 37.71 feet to a point on the existing southerly right-of-way line of Roxboro Road; thence south 76° 29′ 19″ east, 7.28 feet; thence south 74° 39′ 46″ east, 63.46 feet to the POINT OF BEGINNING, containing 2,393 square feet, less and except those portions of the above described tract or parcel of land located below elevation 928.8, USC&GS 1929 Adjusted Mean Sea Level, as shown in orange on the attached plat.

MARTA hereby grants to the City of Atlanta an easement for the construction of slopes as shown colored in green on the attached plat. This easement will remain in place until the completion and acceptance of the Roxboro Road widening project.

#### [ATTACH PLAT SHOWING TEMPORARY EASEMENT]

## EXHIBIT H SEWER AND DRAINAGE FACILITIES DESCRIPTION, LOCATION AND MAINTENANCE RESPONSIBILITIES CCU N452

- 1. The following types of sewer and drainage facilities will be constructed as part of the Work for CCU N452:
  - [a] City of Atlanta storm sewers and appurtenances;
  - [b] City of Atlanta sanitary sewers and appurtenances:
  - [c] MARTA storm sewers and appurtenances;
  - [d] MARTA track drains and ditches;
- 1. Because of the restraints imposed upon the construction by the topography and the requirements of each facility owner in regard to rearrangement of its facilities, it is necessary that the following occur:
  - [a] Facilities of one owner be discharged to those of another;
  - [b] Facilities of one owner be constructed within the rights-of-way of another.
- 3. In general, the responsibility for maintenance of sewer facilities shall be as follows:
  - [a] All storm, combined and sanitary sewer Facilities located on public right-of-way other than MARTA shall be maintained by the City of Atlanta.
  - [b] All MARTA storm sewer facilities located on MARTA right-of-way which drain MARTA Storage Yard shall be maintained by MARTA.
  - [c] All MARTA track drain facilities located on MARTA right-of-way shall be maintained by MARTA.
- 4. The following items fall outside categories [a], [b], and [c] in Section 3 above:
  - [a] MARTA sanitary sewers, storm sewers and track drains entering the City sewer system from MARTA right-of-way shall be maintained by MARTA from the point of MARTA's outlet into the City's storm or sanitary facility, upstream to the inlet of the MARTA sanitary sewer, storm sewer or track drains. The City shall in each case grant MARTA right of entry to the City structure at the point of discharge to allow maintenance to be performed. Facilities covered by this section are listed in Section 5 [a].

- [b] The Authority shall convey easements to the City for the maintenance of all City of Atlanta sanitary, storm and combined sewers located upon or crossing MARTA right-of-way. Facilities covered by this section are listed in Section 5 [b].
- 5. Numbered items in "Location" column refer to numbers assigned to the drainage structures in the CCU N452 Contract Documents. Pipe lengths are approximate.
  - [a] MARTA sanitary sewers, storm sewers and track drain outlets on City of Atlanta right-of-way to be maintained by MARTA.

<u>Item</u>	Description	<u>Location</u>
1.	6" PVC Sanitary Sewer	From SA21 380' to SA12.
2.	6" PVC Sanitary Sewer	From SA13 inlet to MARTA buildings.
3.	6" PVC Sanitary Sewer	From SA14 inlet to MARTA facility.
4.	12" PVC Sanitary Sewer	From SA16 150' to SA22.
5.	8" PVC Sanitary Sewer	From SA10 80' to SA6.
6.	8" PVC Sanitary Sewer	From SA11 240' to SA10.
7.	18" RCP Storm Sewer	From F52 67' to F44.
8.	18" RCP Storm Sewer	From F30 through F41180'.
9.	18"/24" RCP Storm Sewer	From F38 through F41 178'.
10.	24" RCP Storm Sewer	From F41 132' to F42.
11.	36" RCP Storm Sewer	From F42 37' to F43.
12.	36" RCP Storm Sewer	From F43 355' to F44.
13.	36" RCP Storm Sewer	From F44 64' to F46.
14.	18" RCP Storm Sewer	From F53 77' to F47.
15.	18" RCP Storm Sewer	From F54 46' to 6X6 Box Culvert.
16.	36" RCP Storm Sewer	From F56 143' to F48.
17.	18" RCP Storm Sewer	From F57 25' to 6X6 Box culvert
18.	18" RCP Storm Sewer	From F55 to F58 to 6X6 Box culvert 39'.
19.	18" RCP Storm Sewer	From F8 Headwall 15' to F51.
20.	18" RCP Storm Sewer	From F10 through F19 to 6X6 Box Culvert 405'.

21.	18" RCP Storm Sewer	From F5 through F5E to 6X6 Box Culvert 417'.
22.	18" HDPE Storm Sewer	From F1 to F3 Headwall.
23.	8" PVC Underdrain	From underdrain to F49 6X6 Box Culvert.
24.	18" RCP Storm Sewer	From F4 16' to 6X6 Box Culvert.
25.	18" RCP Storm Sewer	From F61 to F62 to 6X6 Box Culvert 35'.
26.	18" HDPE Storm Sewer	From G1 to G12 to G28 495'.
27.	24" HDPE Storm Sewer	From G13 to G21 356'.
28.	36" HDPE Storm Sewer	From G21 to G26 284'.
29.	18" RCP Storm Sewer	From G24 24' to G25.
30.	18" RCP Storm Sewer	From D1 189' to D3.
31.	18" RCP Storm Sewer	From D5 121' to D3.

[b] City of Atlanta sanitary and storm sewers on MARTA right-of-way maintained by the City.

<u>ltem</u>	<u>Description</u>	<u>Location</u>
1.	12" PVC Sanitary Sewer	From SA12 154' to SA13.
2.	12" PVC Sanitary Sewer	From SA13 231' to SA14.
3.	8" PVC Sanitary Sewer	From SA19 107' to SA14.
4.	12" PVC Sanitary Sewer	From SA14 129' to SA15.
5.	12" PVC Sanitary Sewer	From SA15 150' to SA16.
6.	12" PVC Sanitary Sewer	From SA16 231' to SA17.
7.	12" PVC Sanitary Sewer	From SA17 67' to SA18.
8.	8" PVC Sanitary Sewer	From existing sanitary manhole located in Armour Drive 212' to SA5.
9.	8" PVC Sanitary Sewer	From SA5 360' to SA6.
10.	8" PVC Sanitary Sewer	From SA6 50' to SA7.
11.	10" PVC Sanitary Sewer	From SA7 296' to SA8.
12.	10" PVC Sanitary Sewer	From SA8 365' to SA9.
13.	8" PVC Sanitary Sewer	From SA1 182' to SA2.
14.	8" PVC Sanitary Sewer	From SA2 267' to SA3.

15.	8" PVC Sanitary Sewer	From SA3 29' to existing manhole.
16.	6' X 6' Concrete Storm Sew	er From Storm Drainage Structure F46 980' to the Storm Drainage Outlet Structure.
17.	54" HDPE Storm Sewer	From G23 368' to G25.
18.	54" HDPE Storm Sewer	From G25 383' to G26.

From G26 340' to G27.

From G27 20' to G28.

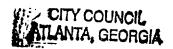
19. 54" HDPE Storm Sewer

20.

54" HDPE Storm Sewer

## EXHIBIT I SEWER AND DRAINAGE FACILITIES DESCRIPTION, LOCATION AND MAINTENANCE RESPONSIBILITIES LRIP

- 1. The following types of sewer and drainage facilities will be constructed as part of the Work for LRIP:
  - [a] City of Atlanta storm sewers and appurtenances;
- 2. Because of the restraints imposed upon the construction by the topography and the requirements of each facility owner in regard to rearrangement of its facilities, it is necessary that the following occur:
  - [a] Facilities of one owner be discharged to those of another;
  - [b] Facilities of one owner be constructed within the rights-of-way of another.
- 3. In general, the responsibility for maintenance of sewer facilities shall be as follows:
  - [a] All storm, combined and sanitary sewer Facilities located on public right-of-way other than MARTA shall be maintained by the City of Atlanta. This shall apply to storm drain structures identified as A-4, A-3, and A-2 and 18" RCP pipe included in the Contract Documents.
  - [b] All MARTA storm sewer facilities located on MARTA right-of-way which drain MARTA LRIP shall be maintained by MARTA.



#### MÙNICIPAL CLERK ATLANTA, GEORGIA

### A RESOLUTION BY COUNCILMEMBER HOWARD SHOOK AS AMENDED BY FULL COUNCIL

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DETAILED AGREEMENT, ON BEHALF OF THE CITY OF ATLANTA, WITH METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY PROVIDING FOR THE REALIGNMENT OF LINDBERGH DRIVE AND EXCHANGE OF PROPERTY AT ROXBORO ROAD, ARMOUR CIRCLE AND PLASTERS BRIDGE ROAD, AND OTHER PURPOSES

WHEREAS, the City and the Metropolitan Atlanta Rapid Transit Authority ("MARTA") entered into that certain Rearrangement Cooperative Agreement ("RCA") dated October 10, 1975, which sets forth certain duties and procedures governing the City and MARTA with respect to Rearrangements, as that term is defined in the RCA, of Facilities owned by City or MARTA; and

WHEREAS, the RCA provides for supplemental Detailed Agreements between the City and MARTA to specifically allocate responsibilities, costs, and obligations with respect to Rearrangements; and

WHEREAS, MARTA seeks to conduct a Rearrangement at Lindbergh Drive to create a bus intermodal area serving the Lindbergh MARTA station, as more fully described in the Lindbergh Detailed Agreement attached as Exhibit 1; and

WHEREAS, MARTA seeks to conduct a Rearrangement at Armour Circle and Plasters Bridge Road to create its rail maintenance and storage facility known as Armour Yard, as more fully described in the Lindbergh Detailed Agreement; and

WHEREAS, City seeks to improve the function of Lindbergh Drive by coordinating with MARTA the Lindbergh Drive Rearrangement, and by acquiring a strip parcel of excess MARTA property adjacent to the northerly right of way line of Lindbergh Drive, as more fully described in the Lindbergh Detailed Agreement; and

WHEREAS, City seeks to acquire certain MARTA property adjacent to Roxboro Road, N.E. for the purpose of widening and improving Roxboro Road, as more fully described in the Lindbergh Detailed Agreement; and

WHEREAS, MARTA and City have negotiated the business terms set forth in the Lindbergh Detailed Agreement attached as Exhibit 1 to govern the Rearrangements for such MARTA projects at Lindbergh Drive, Armour Circle, and Plasters Bridge Road, and to also govern the conveyance of portions of MARTA property to the City adjacent to Lindbergh Drive and Roxboro Road; and

WHEREAS, the City has determined that it is desirable and in the best interests of the City to execute an Agreement with MARTA containing the business terms and in a form substantively similar to the Lindbergh Detailed Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, that the Mayor is authorized to execute an Agreement with MARTA containing the business terms and in a form substantively similar to the Lindbergh Detailed Agreement attached as Exhibit 1.

BE IT FURTHER RESOLVED, that the City Attorney is authorized to review the Lindbergh Detailed Agreement and to finalize with MARTA and its counsel any necessary substantive changes to the Lindbergh Detailed Agreement deemed necessary and appropriate or as required by law.

BE IT FURTHER RESOLVED, that if the City Attorney finds that any substantive changes are needed to be made to the Lindbergh Detailed Agreement that said changes shall be approved by the City Council.

BE IT FURTHER RESOLVED, that said "substantive changes" shall not include procedural or administrative corrections to the Detailed Agreement.

BE IT FURTHER RESOLVED, that the Lindbergh Detailed Agreement will not become binding upon the City and the City will not be liable or obligated under it until it has been duly executed by MARTA, in accordance with applicable law, executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to MARTA.

BE IT FURTHER RESOLVED, that undeveloped greenspace as shown on the URS plan will be developed as park space.

A true copy.

Ronda Dauphin Johnson Municipal Clerk, CMC ADOPTED as amended by the Council APPROVED by the Mayor

APR 01, 2002 APR 05, 2002